

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFFORD JASON JOY,

Plaintiff,

v.

CASE NO. 12-CV-12971
HONORABLE GEORGE CARAM STEEH

PORT HURON POLICE
DETECTIVE GEORGIA, et al.,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT (Doc. 18)**

This 42 U.S.C. § 1983 civil rights suit arises out of plaintiff Clifford Joy's arrest and prosecution for armed robbery, unlawful imprisonment, three counts of assault with a weapon, one count of resisting and obstructing justice, and two counts of felony firearms. At trial, plaintiff asserted an involuntary intoxication defense, and he was acquitted on all counts. Plaintiff's complaint alleges excessive force and improper seizure in violation of his Fourth and Fourteenth Amendment rights, and state law claims of assault and battery, and malicious prosecution. On May 2, 2013, this court granted plaintiff's counsel's motion to withdraw and directed plaintiff to have new counsel file an appearance within 60 days or to provide his mailing address. To date, plaintiff has done neither. On June 27, 2013, defendants filed a motion for summary judgment. On July 12, 2013, defendants served a copy of their motion via first class mail upon plaintiff at his last known address. On July 15, 2013, this court entered a Notice of determination of defendants' motion without oral argument and ordered plaintiff to file his response on or before August 15, 2013. The

court mailed a copy of the Notice to plaintiff at his last known address as provided to the court by his prior counsel. The Notice was returned as undeliverable. Having failed to comply with the court's orders to have new counsel file an appearance, to provide the court with his address, to respond to defendants' motion for summary judgment, or to otherwise prosecute this action, defendants' motion for summary judgment (Doc. 18) hereby is GRANTED.

IT IS SO ORDERED.

Dated: August 20, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 20, 2013, by electronic and/or ordinary mail and also on Clifford Jason Joy, 5287 Wayburn, Detroit, MI 48224.

s/Barbara Radke
Deputy Clerk